

CITY CLERK
(712) 328-4616

AGENDA

**CITY COUNCIL STUDY SESSION
COUNCIL CHAMBERS
MONDAY, JANUARY 12, 2009
3:45 P.M.**

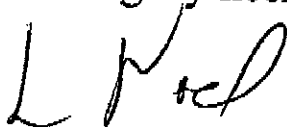
- A. Briefing from Pottawattamie County Sheriff Jeff Danker regarding status of the 800 radio system
- B. Discussion of Mr. Larry Noel's request to re-instate HVAC license
- C. Review of Agenda



January 4, 2009

To: Mayor Hanafan & City Council

This is in reference to re-instating my HVAC license in Council Bluffs. I have had personal issues concerning my younger brother, Lester Noel's health. This past year it has been necessary for me to obtain Power of Attorney for medical and financial needs for him. In May and June of 2008, he lost both legs above the knees. My additional responsibilities included overseeing his household concerns along with his hospital medical needs and rehabilitation. Straightening out his hospital bills, medical bills and household bills was overwhelming. At that time, my own business took a back seat. Now that his health has somewhat improved, I have started to put more energy into my own business. Is it any wonder that I overlooked renewing my license?

A handwritten signature in black ink, appearing to read "L Noel". The signature is fluid and cursive, with the first letter "L" being large and prominent.

Larry Noel/bjn

CITY OF COUNCIL BLUFFS, IOWA

April 15, 1992

Larry Noel
2118 Avenue M
Council Bluffs, IA 52

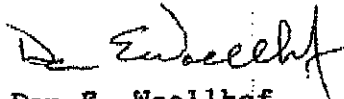
REF: Test Results of April 7, 1992
ID# 51503136
Tested as an Unlimited Mechanical Master

Dear Sir:

I am glad to inform you that you passed the proctored Block and Associates test with a score of 73.0% correct with 70% being passing. Part I: 70.0% Part II: 75.0% Part III: 73.3%

You may now obtain your Mechanical Masters license in the amount of \$55.00 from the City Clerk.

Sincerely,



Dan E. Woellhof
Building Official
City of Council Bluffs

To: Mayor Hanafan - City Council

Fax #: 328 7007

Date: 1-4-2009 Number of pages w/cover 3

From: L.E. Noel Company
Since 1976

Heating • Air Conditioning • Refrigeration
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Commercial • Residential
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2119 Avenue M
Council Bluffs, Iowa 51501

Message:

To Dan W.

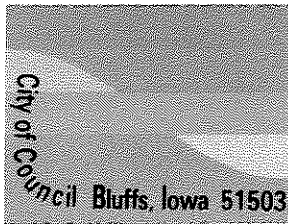
MECHANICAL BOARD OF APPEALS MINUTES

DATE: Monday, December 29, 2008

TIME: 4:30 P.M.

PLACE: Public Works Conference Room, City Hall, 209 Pearl Street

1. CALL TO ORDER BY CHAIRMAN AT: 4:58 P.M.
2. ROLL CALL OF MEMBERS: Mark Schiller,P; Bob Parrott,A;
Bud Warren,A; Loren Anthony,P; Tom Camp,P.
Staff: Don Powell,A. Dan Woellhof, P.
3. APPROVAL OF MINUTES OF LAST MEETING:
Motion by: Schiller, Second by: Camp
4. TEST APPLICATIONS:
None.
5. NEW BUSINESS:
Larry Noel. Recommend Larry be granted right to renew Mechanical Masters License due to extenuating circumstances with brother's health.
Motion by: Schiller, Second by: Camp
Vote: 3-0.
6. OLD BUSINESS:
None.
7. ADJOURNMENT AT: 5:03 P.M.
Motion by: Schiller, Second by: Camp



CITY CLERK
(712) 328-4616

COUNCIL AGENDA, CITY OF COUNCIL BLUFFS, IOWA
REGULAR MEETING JANUARY 12, 2009 7:00 P.M.
COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL
209 PEARL STREET

AGENDA

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER

3. CONSENT AGENDA

- A. Approval of agenda and tape recording of this proceeding be incorporated into official minutes
- B. Reading, correction and approval of minutes of the December 8, 2008 regular Council meeting
- C. Ordinance 6106, amending the zoning map of the City of Council Bluffs by changing the district designation of a 25-acre parcel located at 4725 Navajo, from its present designation as A-2/Parks, Estates and Agricultural to I-1/Light Industrial
- D. Ordinance 6107, amending the zoning map of the City of Council Bluffs by changing the district designation of property located west of Simms Avenue at Dillman Drive from its present designation as R-1/Single Family residential to R-3/Low Density Multi-Family residential with a P-R/Planned residential overlay
- E. Ordinance 6108, amending the zoning map of the City of Council Bluffs by changing the district designation of the former Playland park site located from North 40th Street to the Missouri River Levee between Avenue B and Interstate 480 right-of-way from its present designation as R-4/High Density Multi-family residential District with a PR/Planned residential overlay and A-2/Parks, Estates, and Agricultural District to R-4/High Density Multi-Family residential district with a PR/Planned residential overlay and A-2/Parks, Estates and Agricultural District

4. PUBLIC HEARINGS:

- A. Resolution 09-01, authorizing disposal of City property legally described as the South 39 feet of Lots 11 and 12 and the south 10 feet of Lot 13, Bayliss 1st Addition
- B. Resolution 09-02, approving a lease/purchase of one new street sweeper and authorizing the Director of Finance to purchase said equipment
- C. Ordinance 6019, providing that the targeted jobs withholding credit collected each year in connection with certain property located within the amended Old Airport Urban Renewal area of the City of Council Bluffs, be paid into a designated account in the special fund previously established by Ordinance no. 5912
- D. Ordinance 6020, providing that the targeted jobs withholding credit collected each year in connection with certain property located within the amended Manawa Business Park Urban Renewal area of the City of Council Bluffs, be paid into a designated account in the special fund previously established by Ordinance no. 5924

5. RESOLUTIONS:

- A. Resolution 08-281 (continued from October 13, 2008), granting preliminary plan approval for a 10-lot commercial subdivision to be known as Southtowne (***Applicant is requesting this proposal be continued until the regular meeting of May 11, 2009***)



- B. Resolution 08-282 (continued from October 13, 2008), adopting a Planned Commercial Development Plan for a subdivision to be known as Southtowne, located at the northwest corner of Veterans Memorial Highway and South Expressway (***Applicant is requesting this proposal be continued until the regular meeting of May 11, 2009***)
- C. Resolution 09-03, approving the Capital Improvement Program for Fiscal Years 2009-10 through 2013-14
- D. Resolution 09-04, approving the purchase of new thermal imaging cameras and equipment to replace old, outdated equipment and authorizing the Director of Finance to purchase said thermal imaging cameras and equipment
- E. Resolution 09-05, authorizing the Mayor and City Clerk to execute an agreement with HGM Associates, Inc. for engineering services in connection with the Hazel Street restoration
- F. Resolution 09-06, authorizing the Mayor and City Clerk to execute IDOT Agreement No. 2009-16-024, Intelligent Transportation System (ITS) Network
- G. Resolution 09-07, accepting the work of Leazenby Construction in connection with the South 13th Street Improvements Project, Phase III, and authorizing the Finance Director to issue a City check in the amount of \$46,601.79.
- H. Resolution 09-08, authorizing the Finance Director to call and redeem the outstanding General Obligation bonds in the amount of \$1,85 million issued in February 1999
- I. Resolution 09-09, confirming the appointment of Ralph O'Donnel in the position of Police Chief with the City of Council Bluffs and approving the wage and benefit package offered
- J. Resolution 09-10, approving the expenditure for a heavy duty crew cab, 4-wheel drive pickup truck for the Fire Department and authorizing the Finance Director to purchase said pickup
- K. Resolution 09-11, accepting the completion of the Council Bluffs Recreation Complex Soccer and Parking Lot addition project and authorizing the Director of Finance to release the retainage of \$44,838.33 in 30 days

6. RECEIVE AND FILE ITEMS:

- A. Four Notices of Claim/Loss
- B. Three Notices of Expiration of Right of Redemption
- C. One Offer to Buy City Property (Jackson's Addition Lot 11, Block 1, and W ½ vacated alley adjacent on the East
- D. List of Bills, November 30, 2008
- E. Cash Balance Statement, November 30, 2008
- F. Fund Balance, November, 2008
- G. Applications for Salvage Yard License:

1) 16 th Street Furniture & Appliance	7) Jay B Garage and Towing
2) Alter Metal Recycling	8) Jim's Hauling
4) Anderson Excavating Company	9) Schildberg Construction Company
5) Bluffs Auto Parts	10) Tom's Auto Body
6) Hi-Way 92 Salvage	

7. APPLICATIONS FOR PERMITS AND CANCELLATIONS:

- A. Application for renewal of liquor license:
 - 1) Lightning Bowl, 105 North 12th Street
 - 2) McGees, 401 West South Omaha Bridge Road
 - 3) Target Store, T-0243, 1751 Madison Avenue
- B. Application for new wine and beer, on premises, license:
Boxer LLC, 722 Creek Top
- C. Application for Salvage Yard License:
Council Bluffs Recycling Center, 4441 Gifford Road

8. OTHER BUSINESS BEFORE CITY COUNCIL:

9. CITIZEN REQUEST TO BE HEARD

10. ADJOURNMENT

Record of Proceedings

CALL TO ORDER	A regular meeting of the Council Bluffs City Council was called to order Monday, December 8, 2008 at 7:00 p.m. by Mayor Tom Hanafan.
ATTENDANCE	Council members present: Scott Belt, Lynne Branigan, Matt Schultz, Matt Walsh. Mayor Tom Hanafan Absent: Darren Bates Staff present: Richard Wade, City Attorney; and Judith Ridgeley, City Clerk
INTRODUCTIONS	Mr. Rick Burns, Elk Horn, Iowa, was present and updated City Council on the Sister City in Karadah, Bagdad, Iraq.
CONSENT AGENDA	Belt and Branigan moved and seconded approval of the Consent Agenda as read. Unanimous
PUBLIC HEARINGS Ordinance 6016	Held public hearing regarding Ordinance 6016, request for rezoning from A-2/Parks, Estates and Agricultural to I-1/Light Industrial for property located at 4725 Navajo. Walsh and Belt moved and seconded to concur with the recommendations of Planning Commission to rezone subject property to I-1/Light Industrial, subject to the extension of water service to the property. Unanimous
Ordinance 6017	Held public hearing regarding Ordinance 6017, amending the zoning map for property located west of Simms Avenue at Dillman Drive from R-1/Single Family Residential to R-3/Low Density Multi-Family Residential with a P-R/Planned Residential Overlay for Colonial Village Apartment and Townhome Villas. Belt and Branigan moved and seconded approval of Ordinance 6017. Unanimous
Ordinance 6018	Held public hearing regarding Ordinance 6018, amending the zoning map for the former Playland Park site, located from North 40 th Street to the Missouri River levee between Avenue B and Interstate 480 right-of-way, from R-4/High Density Multi-Family Residential with a PR/Planned Residential overlay; and A-2/Parks, Estates and Agriculture District to R-4/High Density Multi-Family residential District with a PR/Planned Residential overlay and A-2/Parks, Estates and Agricultural District for River's Edge Subdivision. Branigan and Walsh moved and seconded approval of Ordinance 6018. Unanimous
Resolution 08-357	Held public hearing regarding the disposal of excess City right-of-way located between Avenues F and G and between Curtis and North 6 th Streets. Branigan and Belt moved and seconded approval of Resolution 08-357. Unanimous
Resolution 08-358	Held public hearing for approving the plans specifications, form of contract and cost estimate for the Avenue G Viaduct/Corridor Project. Walsh and Branigan moved and seconded approval of Resolution 08-358. Unanimous
ORDINANCES ON FIRST READING Ordinance 6019	Branigan and Belt moved and seconded approval of Ordinance 6019, providing that the targeted jobs withholding credit collected each year in connection with certain property located within the Amended Old

RECORD OF PROCEEDINGS

Airport Urban Renewal Area, be paid into a designated account in the special fund previously established by Ordinance 5912, and set public hearing for 7:00 p.m. on January 12, 2009. Unanimous

Ordinance 6020

Branigan and Walsh moved and seconded approval of Ordinance 6020, providing that the targeted jobs withholding credit collected each year in connection with certain property located within the Amended Manawa Business Park Urban Renewal Area, be paid into a designated account in the special fund previously established by Ordinance 5924, and set public hearing for 7:00 p.m. on January 12, 2009. Unanimous

RESOLUTIONS
08-356

Walsh and Belt moved and seconded approval of Resolution 08-356, authorizing the Mayor to execute a document entitled "Consent to transfer" to assist in the transfer of property between Union Pacific Railroad, Midwest Walnut and Red Giant Oil. Unanimous

08-359

Walsh and Belt moved and seconded approval of Resolution 08-359, intent to dispose of City property legally described as the south 39 feet of Lots 11 and 12 and the South 10 feet of Lot 13, Bayliss 1st Addition and setting public hearing for January 12, 2009 at 7:00 p.m. Unanimous

08-360

Mr. Ron Ross, Snyder and Associates, 1751 Madison Avenue, was present in support of the Resolution. Mr. Harold Prince, 136 DeLong Avenue also appeared in favor of the proposed development. Mr. Ron Kunz, 357 Elmwood Drive appeared in opposition. Schultz and Belt moved and seconded to continue Resolution 08-360 until the regular meeting of January 12, 2009 at 7:00 p.m. Branigan called for the vote: 2 Aye (Schultz, Belt), 2 Nay (Branigan, Walsh). Motion failed. Walsh and Branigan moved and seconded to incorporate the changes in the design plan as outlined in a letter to City Council dated December 5, 2008, and attached to Resolution 08-360. Unanimous

08-361

Branigan moved approval of Resolution 08-361, granting preliminary plan approval for River's Edge Subdivision. Walsh seconded. 3 Aye, 1 Nay (Belt)

08-362

Branigan moved approval of Resolution 08-362, adopting a Planned Residential Development Plan for River's Edge Subdivision. Walsh seconded. 3 Aye, 1 Nay (Belt)

08-363

Belt moved approval of Resolution 08-363, approving FY 2009-10 Capital Improvement Program for sales tax, downtown streetscape, and Playland sanitary sewer projects. Branigan seconded. Unanimous

08-364

Belt moved approval of Resolution 08-364, authorizing the Mayor to execute an agreement with Snyder & Associates for engineering services in connection with the 2nd Avenue pump station/trunk sewer. Branigan seconded. Unanimous

8-365

Belt moved approval of Resolution 08-365, authorizing the mayor to execute an agreement with the Schemmer Associates for engineering services in connection with the Lower Bennett

RECORD OF PROCEEDINGS

- Rehabilitation project, Phase I. Branigan seconded. Unanimous
- 08-366 Belt moved approval of Resolution 08-366, authorizing the Mayor to execute an agreement with Ehrhart Griffin & Associates for engineering services in connection with the 31st Street Improvements Project, Phase III, Avenue A to Avenue E. Branigan seconded. Unanimous
- 08-367 Belt moved approval of Resolution 08-367, authorizing the Mayor to execute an agreement with Schemmer Associates for engineering services in connection with the South 32nd Street Sanitary Sewer Improvements. Branigan seconded. Unanimous
- 08-368 Belt and Branigan moved and seconded approval of Resolution 08-368, authorizing the Mayor and City Clerk to execute an agreement with HGM & Associates for engineering services in connection with the South 32nd Street Sanitary Sewer Improvements. Unanimous
- 08-369 Belt and Walsh moved and seconded approval of Resolution 08-369, approving Change Order #1 for the digester cover repair adding \$104,908.71 to the original contract amount. Unanimous
- 08-370 Walsh and Schultz moved and seconded approval of Resolution 08-370, adopting the Playland Park Master Plan, Amendment I. 3 Aye, 1 Nay (Belt)
- 08-371 Branigan moved approval of Resolution 08-371, authorizing the Mayor to submit an application to the Iowa Department of Economic Development Department (IDED) for U.S. department of Housing and Urban Development (HUD) Neighborhood Stabilization Program (NSP) funds. Belt seconded. Unanimous
- 08-372 Belt moved approval of Resolution 08-372, authorizing designation of part of the south side of the 100 Block of West Broadway as a Brownfield Redevelopment Area as defined by the U.S. Environmental protection Agency (EPA). Branigan seconded. Unanimous
- 08-373 Branigan moved approval of Resolution 08-373, authorizing the Mayor to execute a \$328,300 special purpose economic development initiative (EDI) grant agreement and other necessary documents with the U.S. Department of Housing and urban Development for the Sunset Park North Neighborhood Redevelopment Project. Belt seconded. Unanimous
- 08-374 Schultz and Belt moved and seconded approval of Resolution 08-373, accepting the work of Collins Properties, Inc., for the Mid-City Trail Grading, Phase I Project and authorizing the Finance Director to issue a City check in the amount of \$3,222.30. Unanimous
- 08-375 Walsh and Branigan moved and seconded approval of Resolution 08-375, authorizing the Mayor to execute Amendment #1 to the development agreement with Porter homes, Inc., for Lots 1,2,3,4,5, and 6 in Porter's Park Side Subdivision. Unanimous
- 08-376 Belt and Schultz moved and seconded approval of Resolution 08-

RECORD OF PROCEEDINGS

376, authorizing the Mayor to execute a development agreement with BP Quality Homes LLC for Lots 7,8,9,10,11 and 12 in Porter's Park Side Subdivision. Unanimous

08-377

Belt and Walsh moved and seconded approval of Resolution 08-377, authorizing submission of Amendment #1 to EZ Agreement 08-HEZ-024 to the Iowa Department of Economic Development (IDED) by the Council Bluffs Enterprise Zone Commission and Porter Homes, Inc., for Enterprise Zone benefits. Unanimous

Resolution 08-378

Walsh and Schultz moved and seconded approval of Resolution 08-378, authorizing the Mayor to execute an agreement between the City of Council Bluffs, the Council Bluffs Industrial Foundation, Inc., and the Gable Corporation. Unanimous

RECEIVE AND FILE ITEMS

Walsh and Schultz moved and seconded to receive and file two Notices of Claim/Loss. Unanimous

**APPLICATIONS FOR
PERMITS OR
CANCELLATIONS**

Belt and Branigan moved and seconded approval of liquor license renewal for HyVee #2 and Skeeter Barnes Steaks. Unanimous

Belt and Walsh moved and seconded approval of the liquor license renewal for Goofy's, on the condition that the plan presented to City Council will be followed and disturbances at the establishment will cease. 3 Aye, 1 Nay (Schultz)

OTHER BUSINESS

Branigan moved to clear the slate of previous recommendations for a position on the Iowa West Foundation Board of Directors, and for Councilmembers to present their recommendations to Mayor Hanafan before 12:00 p.m. on December 11, 2008. Walsh seconded the motion. Unanimous

ADJOURNMENT

There being no further business to come before City Council, Belt and Branigan moved and seconded to adjourn at 8:09 p.m. Unanimous

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

Thomas P. Hanafan, Mayor

ATTEST:

Judith H. Ridgeley, City Clerk

Council Communication

Department: Community Development Case No. ZC-08-014 Applicant: Michael Collins	Ordinance No. <u>6016</u>	City Council: 11/24/08 Planning Commission: 11/12/08 First Reading: 11/24/2008 Second Reading: 12/08/2008 Third Reading:
Subject		
<p>Request of Michael Collins, 520 – 21st Avenue, Council Bluffs, IA 51501, to rezone the South 908.9 feet of the SE¼ NW¼ of Section 18-74-43 lying east of Lateral 5 (except City) from A-2/Parks, Estates and Agricultural to I-2/General Industrial. This 25 acre parcel is located east of East Manawa Drive and south of the tank farm and is formerly known as 4725 Navajo.</p>		
Background		
<p>Michael Collins is requesting rezoning of the above described property from A-2/Parks, Estates and Agricultural to I-2/General Industrial in order to market the 25 acre parcel to industrial users as described in the attached letter from the applicant. He is currently using the property for his contracting/hauling business.</p> <p>The subject property is zoned A-2 and was previously occupied by a residential structure which has since been removed. Property to the north and east, zoned I-2, is occupied by the tank farm. Land to the south and west, zoned A-2, is vacant/agricultural in use.</p> <p>No response has been received from any property owner within 200 feet.</p> <p>City Departments and utilities were notified of the requested rezoning. Black Hills Energy responds as follows: "Black Hills Energy has no conflict with this case. As a side note, we are currently installing an extension to our system that will be able to handle any needs that this area might have."</p> <p>The Water Works indicates there is no water to this area. The closest mains are located to the north running east/west in Veterans Memorial Highway and Tank Farm Road and to the south at the intersection of Navajo and East Manawa Drive.</p> <p>Public Works notes that "parcel access is field access drive and field access bridge across Lateral 5 to East Manawa Drive. Enhancements of the Lateral 5 crossing and drive are required to support intended zoning change." Public Works would also request efforts be discussed for the applicant to provide an access easement across the south part of the property to accommodate future interior access needs.</p> <p>MidAmerican Energy has no objection to the rezoning of this property. They have an overhead electric line following the driveway into this property. The developer must maintain all clearances from the existing facilities and will pay for all costs associated with extending or relocating any of these facilities.</p>		
Discussion		
<p>This property was zoned for industrial use from the time it was annexed into the City until January, 2003 when this parcel and the area to the west and north was down-zoned to A-2. One reason for the down-zoning was to cause any proposed development to be reviewed to ensure that appropriate services are available to serve the area. Water is not available in East Manawa Drive and will need to be extended. Sanitary sewer is available. Lateral 5, located on the west edge of the property, provides a means for storm water conveyance.</p> <p>The requested rezoning to I-2 would be a natural extension of the I-2 zoning to the north and east. However, the East Manawa Plan identifies the subject property and the areas west and south of the tank farm as I-1/Light Industrial.</p> <div style="text-align: center; margin-top: 20px;">3C</div>		

Allowing a contractor yard and trucking business under the I-2 zoning could deter the ability to develop the property to the east and south. However, if the property were zoned I-1/Light Industrial the applicant would need to apply for a conditional use permit for a trucking business. A contractor yard would not be permitted. Through the conditional use process, the Zoning Board of Adjustment could impose certain conditions such as screening, fencing, construction commencement and completion dates, lighting, operational controls, improved traffic circulation, highway access restrictions, yards, parking requirements, the duration of the use or ownership, or any other requirement which the board deems appropriate under the circumstances.

Recommendation

The Community Development Department recommends denial of the request to rezone the subject property to I-2/General Industrial and instead recommends an I-1/Light Industrial designation, subject to water service being extended to serve the site.

Public Hearing

Brian Leaders, the Schemmer Associates, representing Mike Collins appeared before the Planning Commission in favor of the request. No one appeared in opposition.

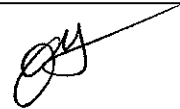
Planning Commission Recommendation

The Planning Commission recommends rezoning to I-1/Light Industrial, subject to the extension of water service to the property.

VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 Motion: Carried

Attachments: (A) Location Map showing proposed rezoning area; (B) Map of surrounding Current Zoning; and (C) Letter from Collins Properties Inc.

Prepared By: Rebecca Sall, Planning Technician, Community Development Department

A handwritten signature in black ink, appearing to be 'RS', is located at the bottom right of the page.

Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

ORDINANCE NO. 6016

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF A 25-ACRE PARCEL LOCATED EAST OF EAST MANAWA DRIVE AND SOUTH OF THE TANK FARM, FORMERLY KNOWN AS 4725 NAVAJO, COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, FROM ITS PRESENT DESIGNATION AS A-2/ PARKS, ESTATES AND AGRICULTURAL TO I-1/LIGHT INDUSTRIAL, AS SET FORTH AND DEFINED IN CHAPTERS 15.05 AND 15.20 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of a 25-acre parcel located east of East Manawa Drive and south of the tank farm, formerly known as 4725 Navajo, and legally described as follows:

The South 908.9 feet of the SE ¼ NW ¼ of Section 18-74-43 lying east of Lateral 5 (except City), Council Bluffs, Pottawattamie County, Iowa,

from its present designation as A-2/Parks, Estates and Agricultural to I-1/Light Industrial, as set

forth and defined in Chapters 15.05 and 15.20 of Title 15 “Zoning” of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND
APPROVED January 12, 2009

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

FIRST CONSIDERATION:	<u>November 24, 2008</u>
SECOND CONSIDERATION:	<u>December, 8, 2008</u>
PUBLIC HEARING:	<u>December 8, 2008</u>
THIRD CONSIDERATION:	<u>January 12, 2009</u>

Planning Case No. ZC-08-014

NOTICE OF PUBLIC HEARING
ON PROPOSED REZONING OF PROPERTY

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council for the City of Council Bluffs, Iowa, has scheduled a public hearing on a proposed ordinance to amend the zoning map of the City of Council Bluffs, Iowa, by changing the district designation of a 25-acre parcel located east of East Manawa Drive and south of the tank farm, formerly known as 4725 Navajo, legally described as follows:

The South 908.9 feet of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18-74-43 lying east of Lateral 5 (except City), in Council Bluffs, Pottawattamie County, Iowa,

from its present designation as A-2/Parks, Estates and Agricultural to I-1/Light Industrial, as set forth and defined in Chapters 15.05 and 15.20 of Title 15 "Zoning" of the 2005 Municipal Code of Council Bluffs, Iowa.

You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting to be held at 7:00 p.m. on the 8th day of December, 2008, in the City Council Chambers in the City Hall building, 209 Pearl Street, Council Bluffs, IA 51503, at which time and place all persons interested in said matter will be given an opportunity to be heard.

JUDITH RIDGELEY

City Clerk

Collins Properties Inc.

520 21st ave

Council Bluffs Ia. 51501

Office 712 352 3333

Fax 712 352 0233

To all concerned parties:

I am requesting a zoning change on property that I own located on East Manawa Drive. It is my understanding that this area is set aside for future Industrial development. It was my understanding when I bought the property it was already zoned I-2. It has been brought to my attention that is not the current zoning but the intended future zoning. I have the property listed for sale and have been marketing it as such. I recently had a party who is building a cold storage facility interested in the land. But when it was found out that it would require zoning change they were in a rush to get started so they bought property on 67th and F in Omaha with the proper zoning in place.

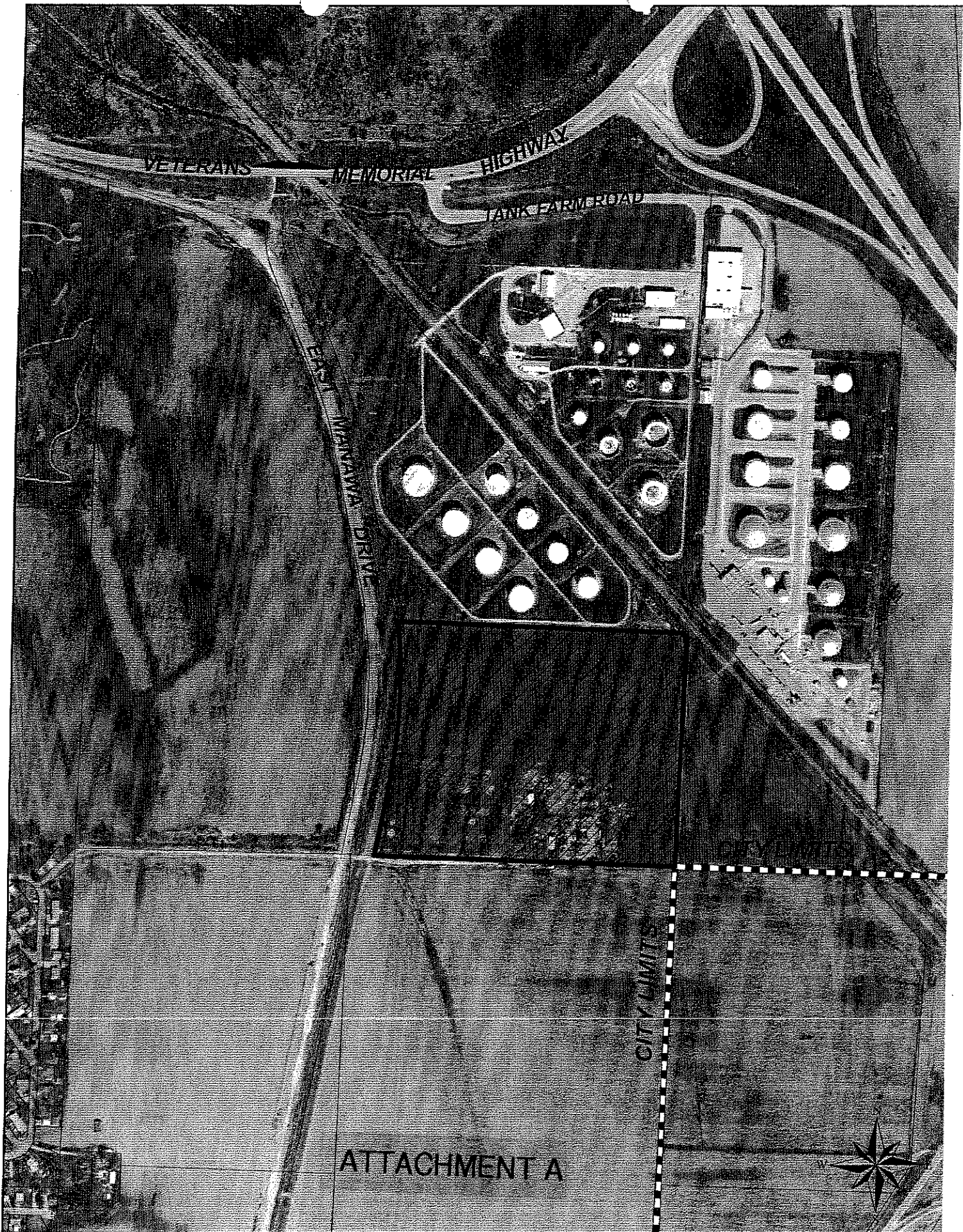
I am currently using the location for my own needs until it sells but I believe it would have a better chance of selling with the proper zoning in place rather than a party having to buy and wait, hoping for proper zoning approval. The city has a huge shortage of I-2 property right now. Our city's new trash collection company had to locate in Omaha as there was no I-2 available in town with the exception of South Pointe where their full price offer was turned down as they didn't like the idea of a trash company in the area.

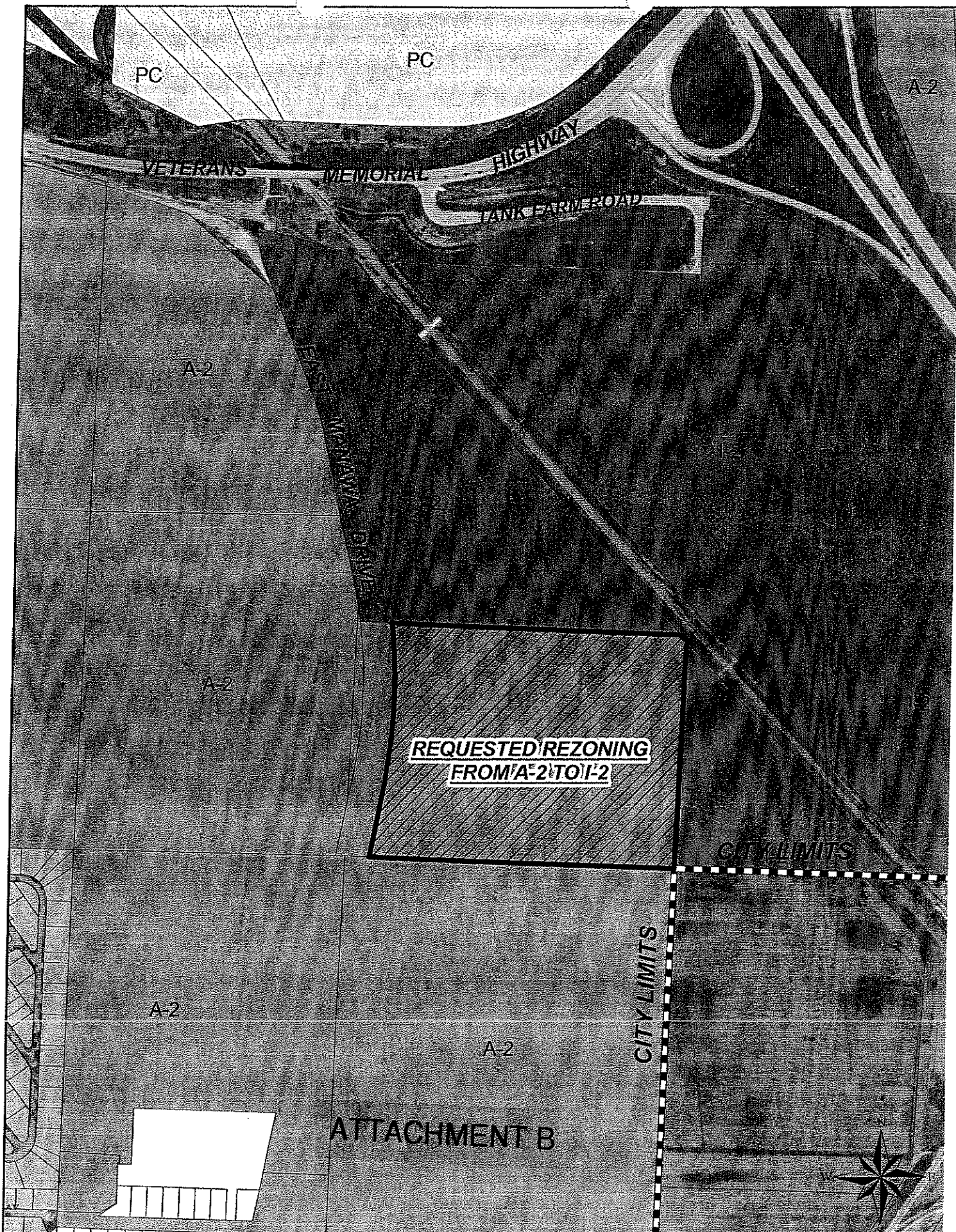
In closing it has been my experience with the companies mentioned above when a company decides to make a move they usually are in a hurry and want proper zoning in place. I believe it is in my and the city's best interest to change the zoning now so as not to lose any other future buyers.

Respectfully Mike Collins

A handwritten signature in black ink, appearing to read 'Mike Collins', with a long horizontal line extending to the right.

ATTACHMENT C





PROOF OF PUBLICATION

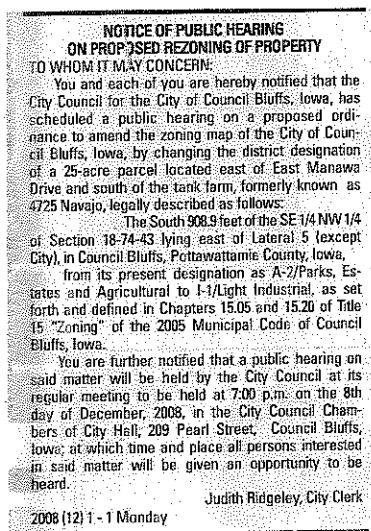
STATE OF IOWA
POTTAWATTAMIE COUNTY

I, Amy McKay, on my oath do solemnly swear that I am the Controller of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper for 1 consecutive time(s) as follows:

The first publication thereof
began on the 2nd day of December, 2008

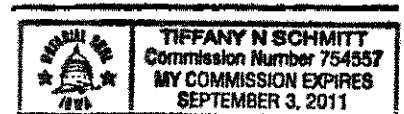
Signed in my presence by the said Amy McKay and by her sworn to before me this 5th day of December, A.D. 2008.



Amy McKay
Daily Nonpareil Controller

Tiffany N. Schmitt
Notary Public

Filed this 5th day of December, A.D. 2008.
Publication Cost: \$ 15.10



Customer Number: 35700

Order Number: 20204709

Council Communication

Department: Community Development Case #ZC-08-016 Case #PR-08-006 Applicant: Colonial Hills, Inc., L. Paul Comeau 11711 Arbor Street, Suite 300, Omaha, NE 68144	Ordinance No. <u>6017</u> Resolution No. _____	Planning Commission Meeting November 12, 2008 First Reading: 11/24/2008 Second Reading: 12/08/2008 Third Reading:
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Subject/Title

1. Rezone Lot 16 and Outlot A, Euclid Heights Subdivision from R-1/Single Family Residential to R-3/Low Density Multi-family Residential with a P-R/Planned Residential Overlay.
 2. Adopt the Planned Residential Development Plan for Colonial Village Apartment and Townhome Villas.
- Location: West of Simms Avenue at Dillman Drive

Background/Discussion

Colonial Hills, Inc. has requested rezoning of Lot 16 and Outlot A, Euclid Heights Subdivision lying west of Simms Avenue at Dillman Drive from R-1/Single Family Residential to R-3/Low Density Multi-family Residential with a P-R Planned Residential Overlay. Colonial Hills, Inc. proposes to develop a new independent living community for seniors 55 and up, consisting of one building with 43 apartments (Three one-bedroom units and 40 two-bedroom units) with underground parking and six townhomes along the east side of the 6+ acre lot as shown on the attachment. The land is directly north of the existing Colonial Plaza Apartment, also owned by Mr. Comeau. The first floor consists of 13 one and two bedroom apartments, lobby, offices and common area. The second and third floors each have 15 apartments. Parking for 43 cars, as well as a wash bay, storage space for each unit, a hobby/work room, community meeting/dining room are located in the lower level. A game and fitness center is located adjacent to an outdoor patio. An elevator serving the three floors of living and community use space connects the lower level. The building is 296' long by 86'3" wide and 48' 4" high from grade to the peak of the roof. In addition to the 43 garaged spaces, 23 parking spaces are located adjacent to the main entrance. The number of parking spaces with the mix of bedrooms per unit exceeds the City's requirements. Three one bedroom townhomes (646 sf) and three two bedroom townhomes (1,037 sf) each with a one or two stall attached garage have additional parking in the driveways adjacent to the east side of the apartment building. Sidewalk encircles the building as shown.

A neighborhood meeting will be held at 6 pm on Thursday, November 6, 2008 at St. Paul's Episcopal Church to explain the proposal.

The subject property and the abutting land on the north, east, west and southwest are zoned R-1/Single Family Residential. The land directly south is zoned R-3/Low Density Multi-family Residential. Zoning is shown on the attached map.

Comments

1. The subject property appears to have been zoned for single-family use since zoning was adopted by the City, with multi-family uses to the south. The requested rezoning is consistent with the 1994 Comprehensive Plan which designates this land for multi-family residential use. The proposed layout is sufficient to meet setbacks and off-street parking requirements.
2. In 2002, the Community Development Department recommended denial of the proposed rezoning based on several unresolved site issues. Drainage, access and the height of the buildings were concerns. Multi-family residential remains an appropriate use at this location. On April 11, 2005, the City Council approved the final plat for Euclid Heights Subdivision, creating 16 residential lots. Storm water from Sunny Ridge contributes to the flow in the natural drainage way that extends along the northern edge of the Colonial Hills property. The final plat included a 34' wide drainage easement extending along the northerly side of the subdivision adjacent to a 16' wide unimproved alley along the rear of eight lots addressed along Elmwood Drive. The City installed storm sewer within the easement to handle to storm flows from Sunny Ridge into the site. A detention basin installed about 4 years ago in the northwest corner of Lot 16 collects runoff from about 2 acres in the lower portion of Euclid Heights Subdivision as

well as Lot 16. Runoff flows through a 40' wide storm and sanitary sewer easement between Lots 7 and 8 and into the City's storm sewer system.

3. In 2006, the owner applied for rezoning to build 64 apartments in two buildings on the site. The Community Development Department recommended approval of the rezoning at the time because the drainage and access issues had been resolved. The Planning Commission did not recommend approval of the rezoning. On February 12, 2007, the City Council did not approve the rezoning request. The owner revised the plan by decreasing the number of apartment units to 43 and adding three duplex townhome villas along the east side.
4. A storm water management system for Lot 16 has been designed to retain up to a 100-year storm event under developed conditions and release it at a level of the predeveloped 10-year peak runoff. Additional pipe will carry runoff from the church parking lot into the upper detention basin. Outdoor floor and roof drains must be tied directly into the storm sewer system to minimize erosion. On-site storm drainage will be directed to inlets in curbed and guttered parking lots and detention basins. The City requires a grading plan, with grading surety bond consistent with an approved development plan. The Iowa Department of Natural Resources (IDNR) requires a storm water pollution prevention plan prior to any grading on the site. A complete erosion and sediment control plan showing both temporary and permanent measures is subject to review and approval by the Public Works Department to assure a stable site during grading, construction and afterwards. Landscaping and irrigation are components of that plan. The existing detention and retention is approximately 20,500 cf. The proposed detention value, as shown on the grading plan, is approximately 26,400 cf, an increase of over 20% over the existing storage volume. The drainage plan has increased the storage capacity and lot coverage has decreased.
5. The grading plan shows the limit of the site disturbance to accommodate the structures, drives, retaining walls, proposed detention basins and reflection ponds.
6. Access to the site is through a 24' wide hard surfaced private drive connecting to Dillman Drive. The drive crosses property belonging to St. Paul's Episcopal Church and adjacent land owned by the applicant. Access easements have been executed with the Church as well as across the property owned by the applicant to assure permanent access to Colonial Village. A 5' wide walkway is shown to loop around the apartment building and connect to the townhomes. Utilities are accessible with adequate capacity to serve the proposed use. The developer will be responsible for all costs for extending or relocating electric facilities and provide to MidAmerican Energy all applicable easements to the utility at no cost. Sanitary sewer would connect via gravity to the existing easement between Lots 7 and 8, Euclid Heights to the sewer in Euclid Avenue.
7. The utility plan shows a private 10" water line extending from a point near Dillman Drive, which the Water Works agrees is needed for domestic use and fire protection. The building will require an automatic sprinkler system. Private fire hydrants are shown on the plan. Water lines and fire hydrants must be installed consistent with the fire safety and Water Works standards.
8. The fire department requires 20' wide hard surface access within 150' of all points of the building. The site plan shows a fire access lane around the apartment building. They proposed a 15' wide lane with 3' wide shoulder composed of polyethylene Geoblock units over a 4" aggregate-topsoil mixture. The units are seeded to allow growth of a turf surface. The lane would support heavy truck traffic. The Fire Department will have to review and approve the proposed option prior to installation.
9. A rock formation, waterfall and river rock brook, flowing into a small pond has been incorporated into the grading plan.
10. Lighting for parking and exterior walkways is the responsibility of the owner to install and maintain.

Recommendation

The Community Development Department recommends:

1. Rezoning Lot 16 and Outlot A, Euclid Heights Subdivision from R-1/Single Family Residential to R-3/Low Density Multi-family Residential with a P-R Planned Residential Overlay, because the rezoning is consistent with the Comprehensive Plan and the spirit and intent of the Zoning Ordinance as discussed above.
2. Approval of the development plan for Colonial Village Apartment Homes and Townhomes as shown on the attachments, subject to the following conditions:
 - A. All applicable permits necessary to meet local state and federal requirements shall be the obtained by the applicant or authorized agent prior to any earth moving activity.

- B. Approval of the composition of the fire lane within 150' of all points of each building as required to meet the fire safety code. Review and approval of the radius of the fire lane to comply with the needs of emergency responders to navigate the lane.
- C. In addition to the walkways shown on the site plan, a walkway shall be installed along one side of the drive connecting to the sidewalk at Colonial Plaza Apartments.
- D. Approval of the landscaping as shown on the site plan. Final landscaping, including an irrigation system and planting schedule, a species list with number and location of all new plant material shall be submitted to the Community Development Department for review and approval prior to installation. Landscaping shall be installed prior to issuance of a Certificate of Occupancy for the buildings on the site.
- E. Signage shall be limited to one detached sign at the entrance drive, not to exceed 6 feet in height or larger than 32 square feet per face. A double-faced sign is permitted.

Public Hearing

Tim Irish, Designed Properties, Ron Ross, Snyder & Associates, L. Paul Comeau, owner and Keith Adams, 111 Sunny Ridge Drive appeared before the Planning Commission in favor of the request.

The following appeared in opposition:

Ron Koontz, 357 Elmwood Drive

Farrel Williams, 117 Sunny Ridge Drive

Sandra Wakehouse, 257 Euclid Avenue

Planning Commission Recommendation

The Planning Commission recommends:

1. Rezoning Lot 16 and Outlot A, Euclid Heights Subdivision from R-1/Single Family Residential to R-3/Low Density Multi-family Residential with a P-R Planned Residential Overlay, because the rezoning is consistent with the Comprehensive Plan and the spirit and intent of the Zoning Ordinance as discussed above.
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VOTE: AYE 9 NAY 1 ABSTAIN 0 ABSENT 1 Motion: Carried

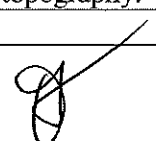
Representatives: Craig Knickrehm, P O Box 540125 Omaha, NE 68154

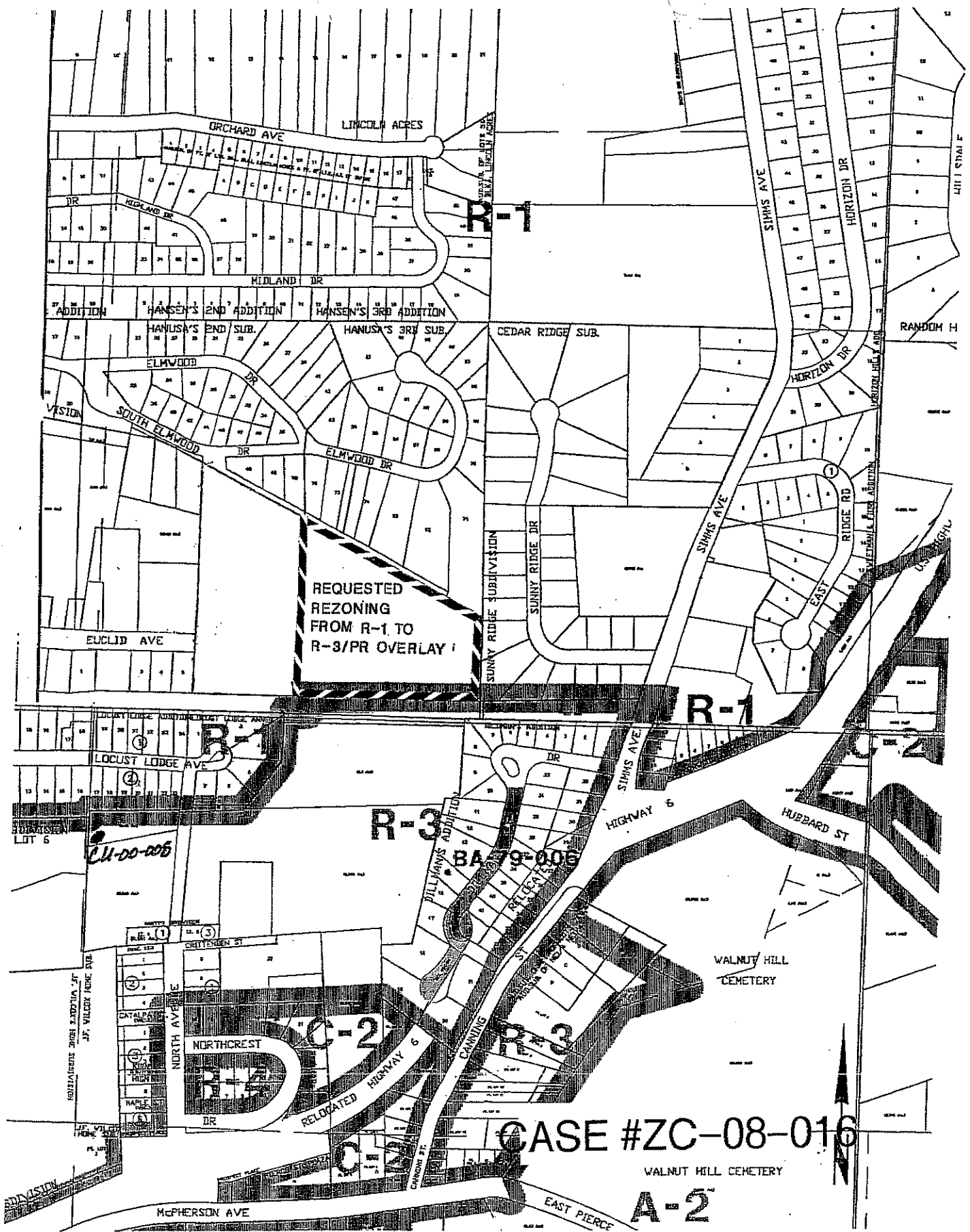
Tim Irish, 11707 'M' Circle, Omaha, NE 68137

Engineer: Snyder & Associates, 1751 Madison Ave., Council Bluffs, IA 51503

Attachments: Zoning map, site, utility, grading and drainage plans, building elevations and topography.

Prepared by: Gayle M. Malmquist, Development Services Coordinator





Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

ORDINANCE NO. 6017

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF CERTAIN GROUNDS, PROPERTY AND PREMISES LOCATED WEST OF SIMMS AVENUE AT DILLMAN DRIVE, IN COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, FROM ITS PRESENT DESIGNATION AS R-1/ SINGLE FAMILY RESIDENTIAL TO R-3/LOW DENSITY MULTI-FAMILY RESIDENTIAL WITH A P-R/PLANNED RESIDENTIAL OVERLAY, AS SET FORTH AND DEFINED IN CHAPTERS 15.08B AND 15.10 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of certain grounds, property and premises located west of Simms Avenue at Dillman Drive, as shown on Attachment “A”, and legally described as follows:

Lot 16 and Outlot A, Euclid Heights Subdivision, in Council Bluffs, Pottawattamie County, Iowa,

from its present designation as R-1/Single Family Residential to R-3/Low Density Multi-family

Residential with a P-R/Planned Residential Overlay, as set forth and defined in Chapters 15.08B and 15.10 of Title 15 “Zoning” of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND
APPROVED January 12, 2009

THOMAS P. HANAFAN Mayor

Attest: JUDITH RIDGELEY City Clerk

FIRST CONSIDERATION: November 24, 2008
SECOND CONSIDERATION: December 8, 2008
PUBLIC HEARING: December 8, 2008
THIRD CONSIDERATION: January 12, 2009

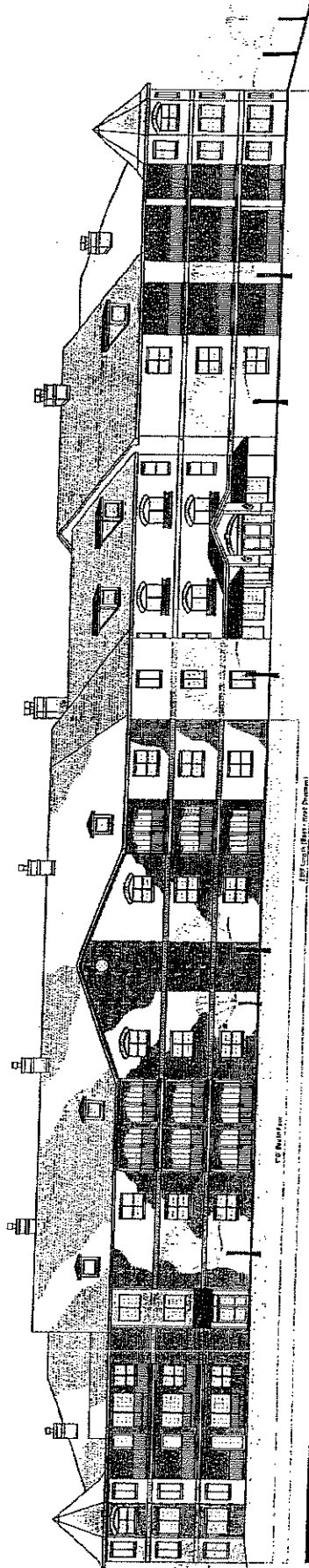
PLANNING CASE NO. ZC-08-016

Colonial Village Apartment Homes

*A Landmark Apartment Homes Project
Providing a very High Standard of
Retirement Living*

*An L. Paul Comeau Development
Ditman Drive
Council Bluffs, Iowa
Propertise Inc., Architect
RWG 14 August 08*





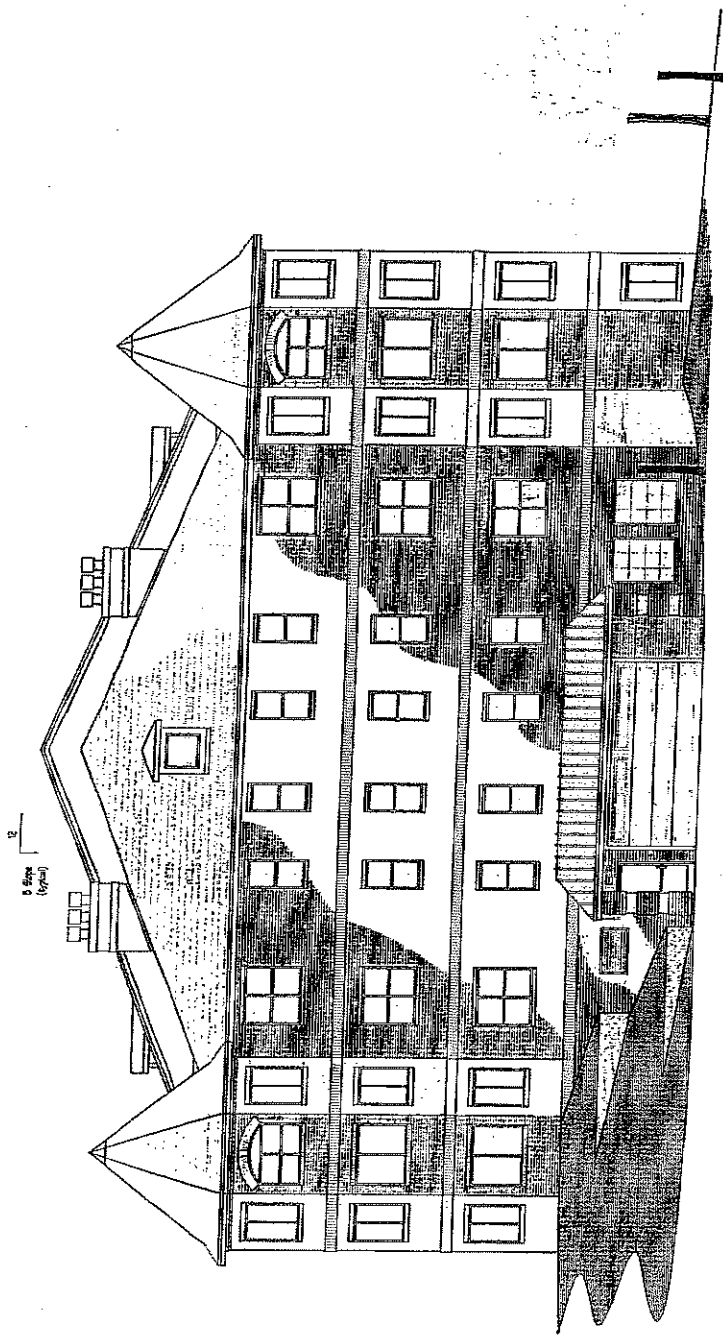
Front Elevation 43 Apartments
(South Face emphasized)

Type A1 House Apartment Building
(see notes)



Colonial Village
Apartment Homes

Scale 1/8" = 1'-0"
Printed in U.S.A.



Colonial Village Apartment Homes

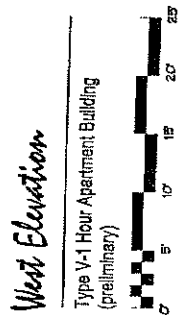
Paul Dennis Properties
Colonial Village
Colonial Building, Inc.
Providence, R.I. 02903
RNS 14 August 1988

Scale: 1/8" = 1'-0"
(Drawn on 11 x 17" format paper)

East Elevation

Type V-1 Hour Apartment Building
(preliminary)

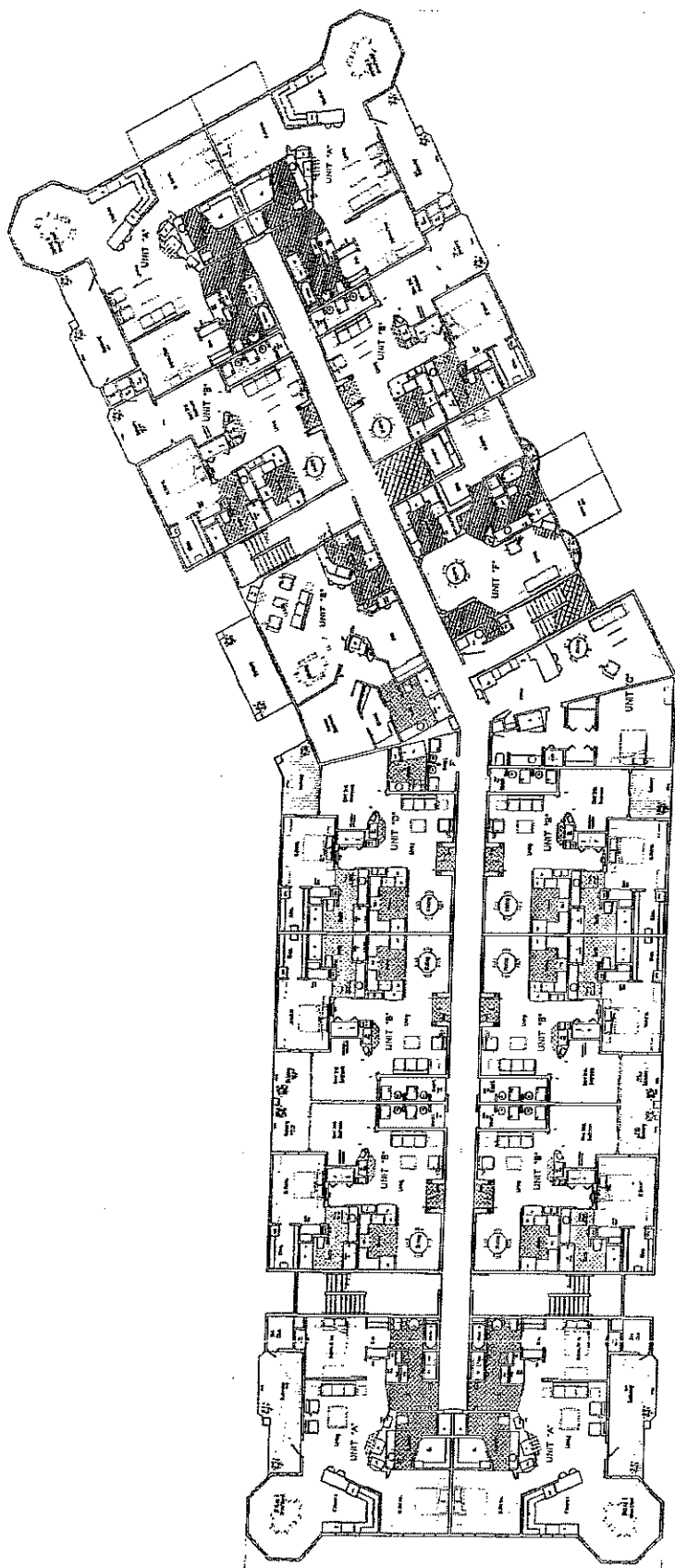




Paul Comess Properties
Dinner Date
Council Bluffs, Iowa
Properties Inc., Architect
RWG 15 August 08

Colonial Village
Apartment Homes

Scale: 1/8" = 1'-0"
(note on 11 x 17" format page)

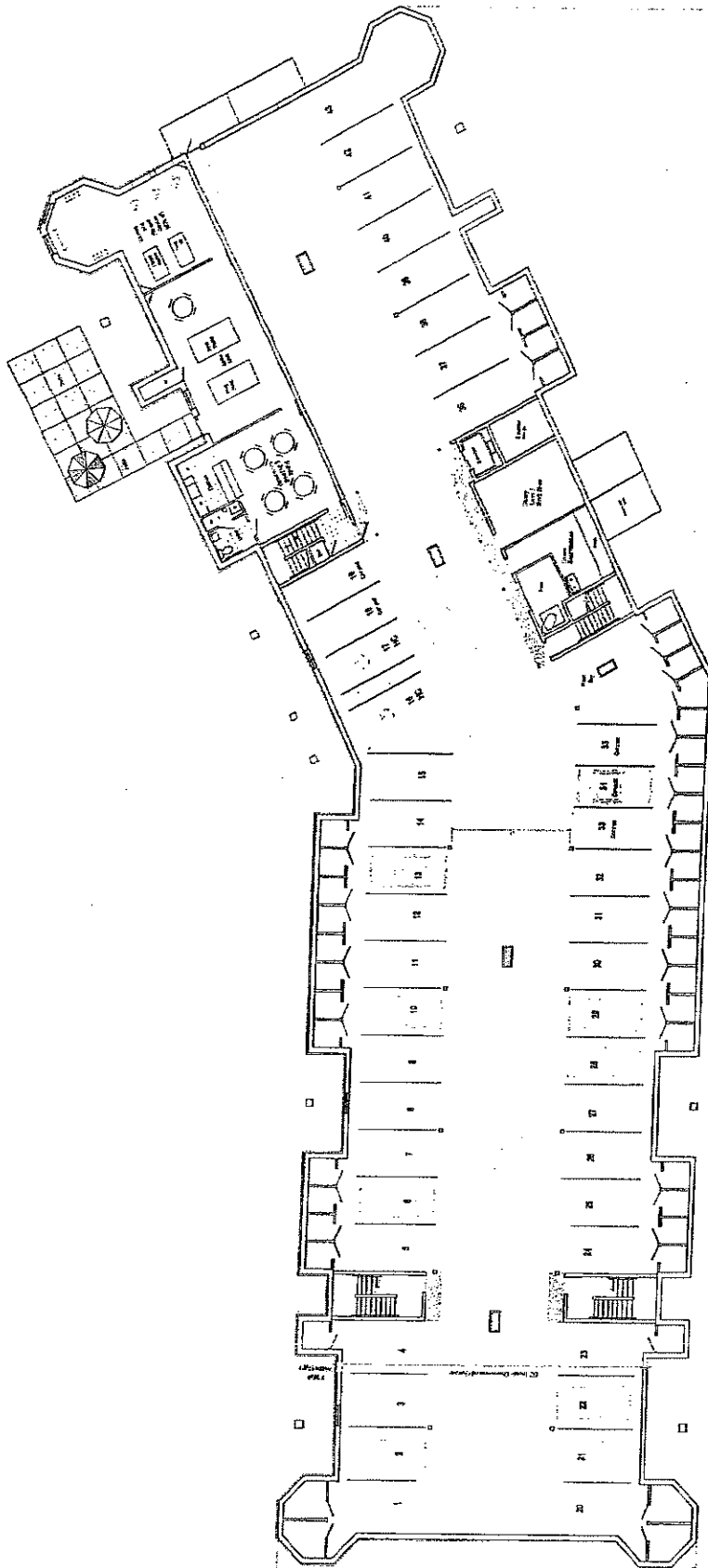


2nd and 3rd Floor
 15 Apartments in Plan
 Type V/VII Apartment Building
 (Detached)



Colonial Village
 Apartment Homes
 Made From 1/4" Scale Plans
 Plan 11-1000-01
 15 Apartments in Plan
 Type V/VII Apartment Building
 (Detached)

2nd and 3rd Floor (Detached)



43 Parking Spaces, 43 Storage Units
Community Rooms

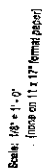
Lower Level Floor
Type of Apartment Building
Units



1256 - 171 South Main Street

Colonial Village
Apartment Homes
Map 10-10-17 (10-10-17)

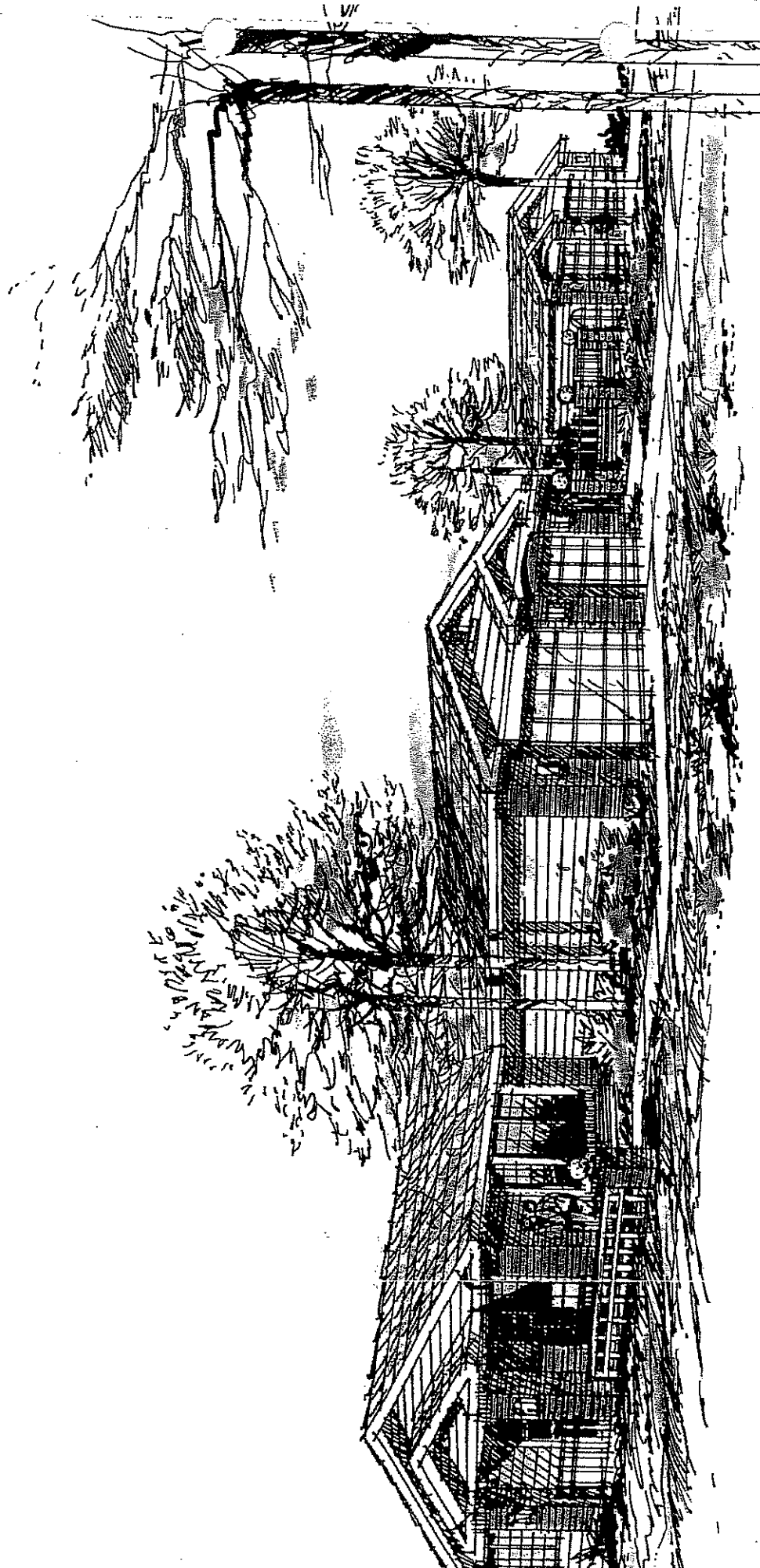
Map 10-10-17 (10-10-17)



Colonial Village Townhome Villas

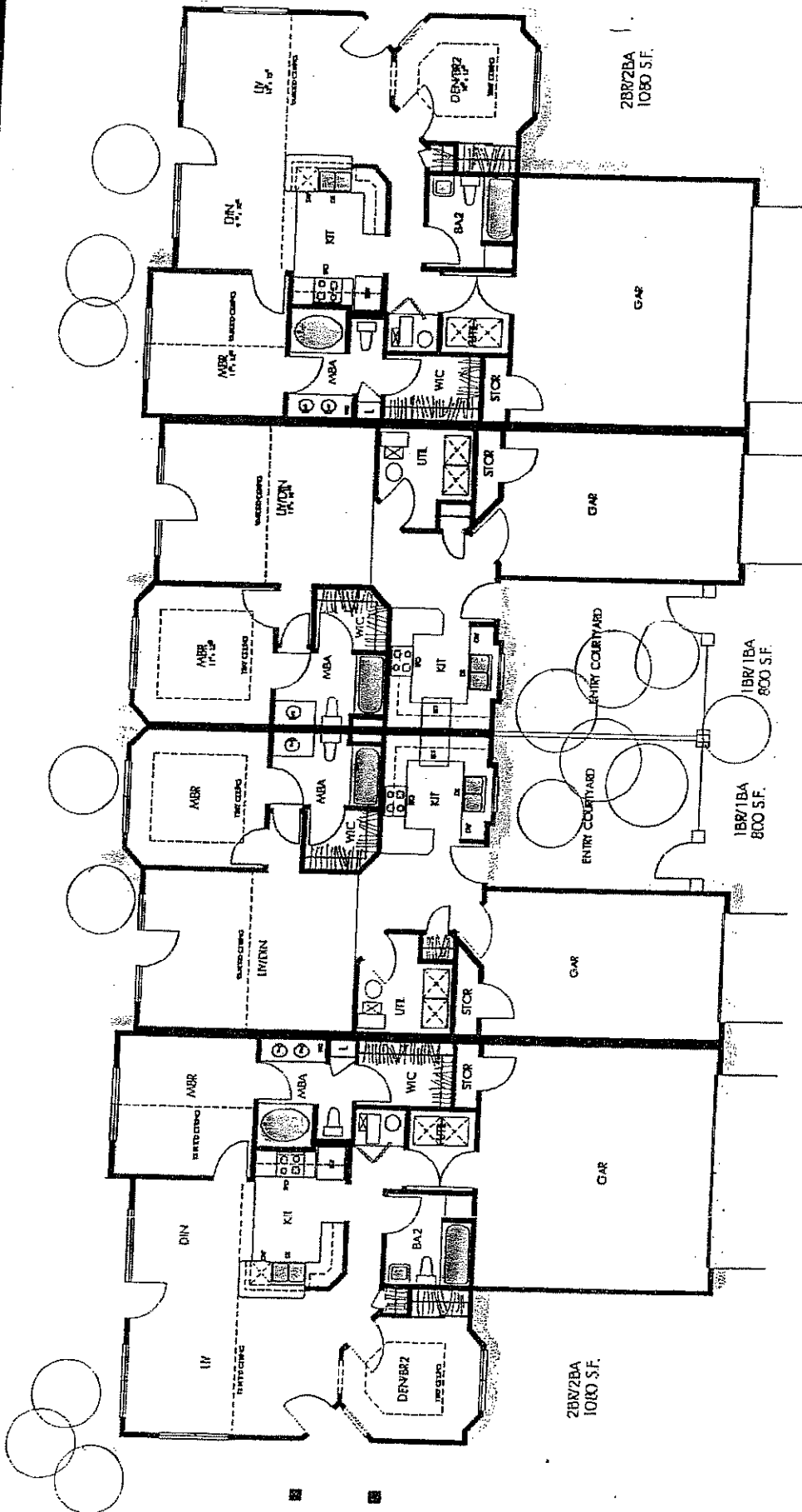
*A Landmark Residential Community
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Dilman Drive
Council Bluffs, Iowa
Propertise Inc., Architect
RWG 14 August 08*



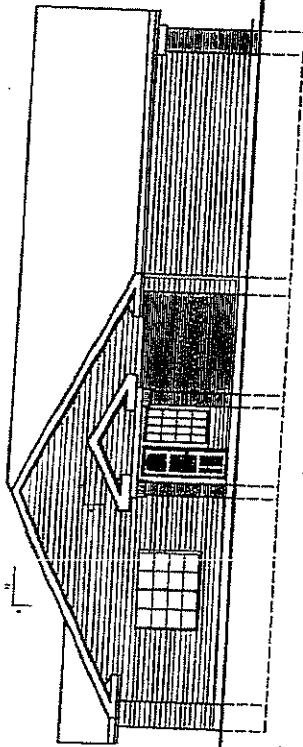
*Perspective
View*

Colonial Village Townhomes
An L. Paul Comeau Development
Council Bluffs, Iowa

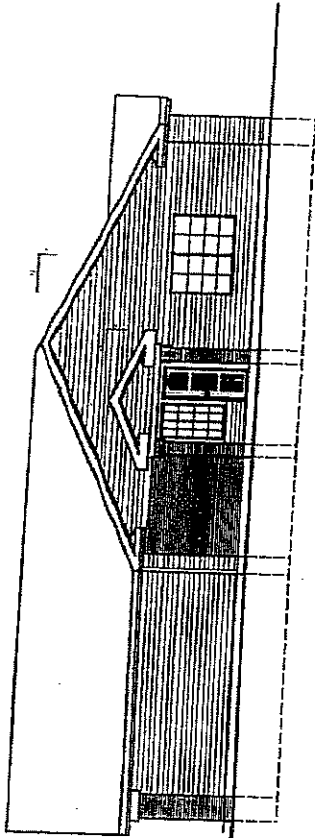


Floor Plan (typ.)

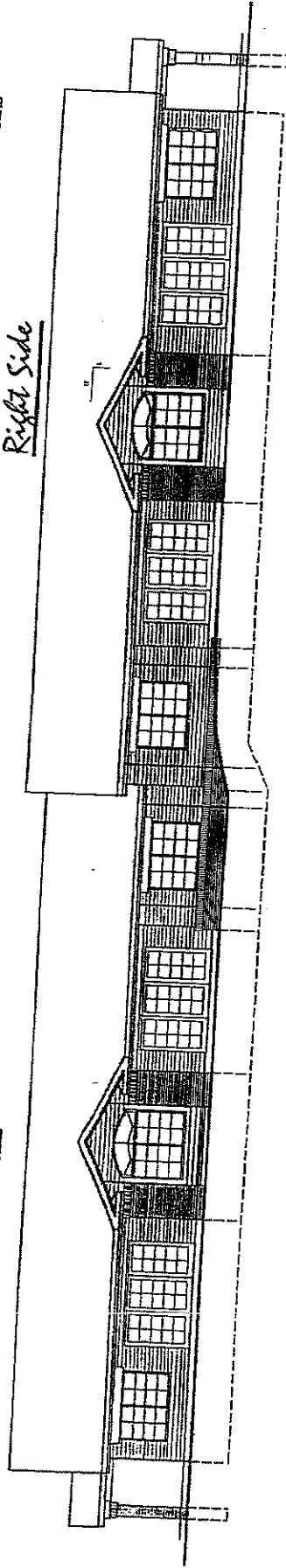
Colonial Village Townhomes
 An L. Paul Comeau Development
 Council Bluffs, Iowa



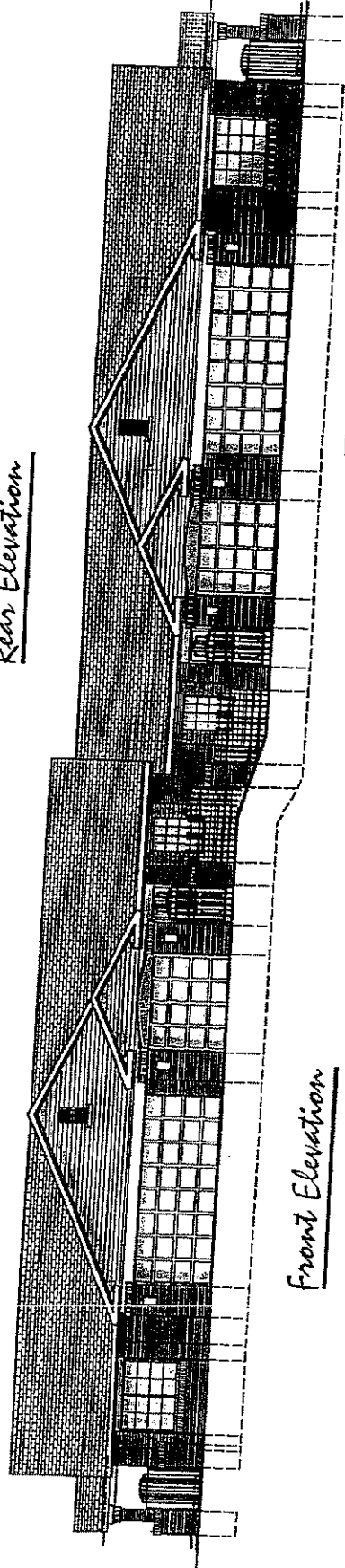
Left Side



Right Side



Rear Elevation



Front Elevation

Colonial Village Townhomes
An L. Paul Comeau Development
Council Bluffs, Iowa

TOPOGRAPHICAL MAP
 LOT 10, EIGHTH HEIGHTS SUB.
 COUNCIL BLUFFS, IOWA

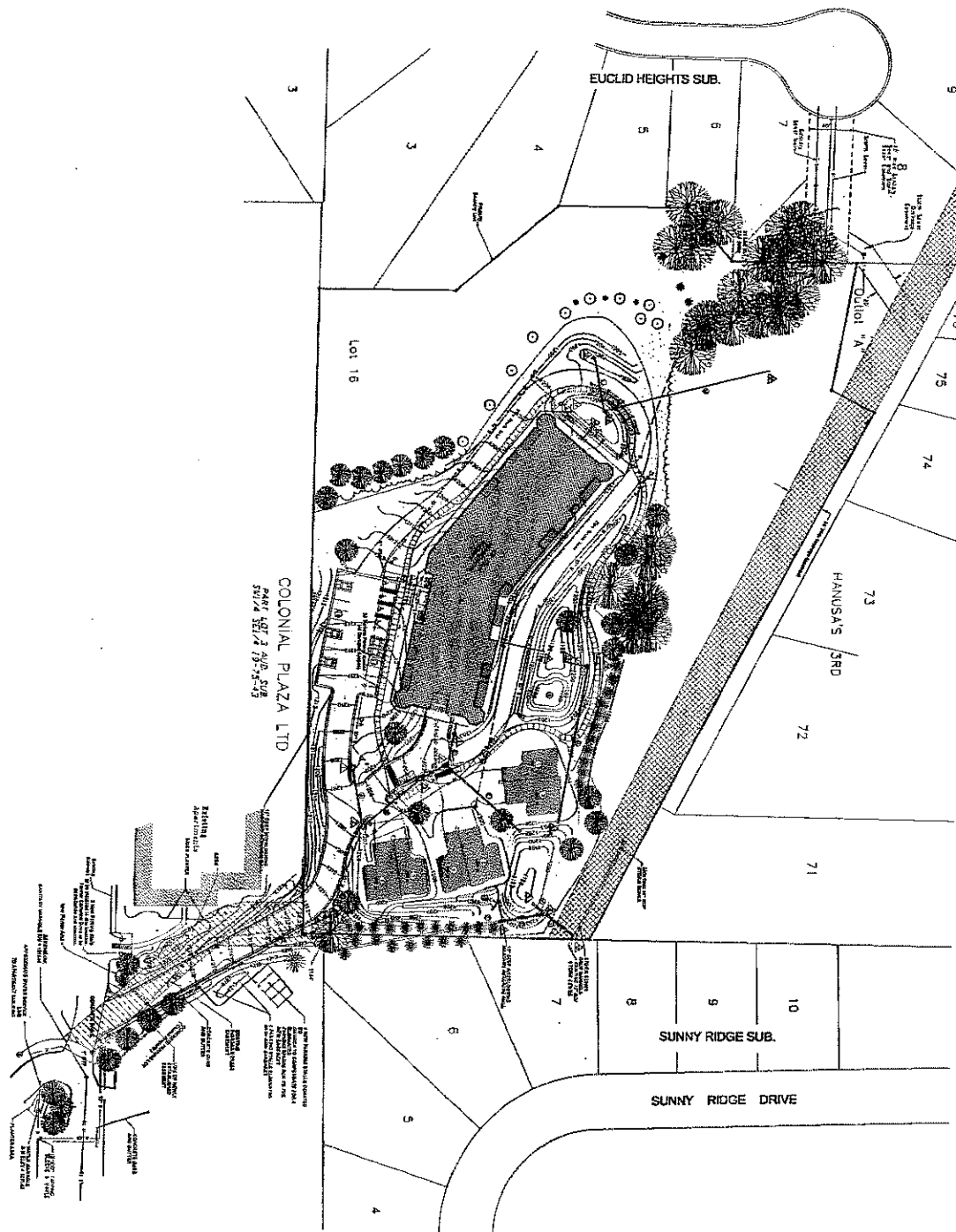
NOTES:
 1. CONVEYANCE OF THIS PROPERTY TO THE CITY OF COUNCIL BLUFFS, IOWA, WAS MADE BY DEED DATED 10/1/1911.
 2. THIS PROPERTY WAS ACQUIRED BY THE CITY OF COUNCIL BLUFFS, IOWA, BY PURCHASE OF THE DEED DATED 10/1/1911.

- 1. 1/4 SECTION 10, T. 14 N., R. 10 E., S. 10 W.
- 2. 1/4 SECTION 11, T. 14 N., R. 10 E., S. 10 W.
- 3. 1/4 SECTION 12, T. 14 N., R. 10 E., S. 10 W.
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- 66. 1/4 SECTION 75, T. 14 N., R. 10 E., S. 10 W.
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- 72. 1/4 SECTION 81, T. 14 N., R. 10 E., S. 10 W.
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- 82. 1/4 SECTION 91, T. 14 N., R. 10 E., S. 10 W.
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- 84. 1/4 SECTION 93, T. 14 N., R. 10 E., S. 10 W.
- 85. 1/4 SECTION 94, T. 14 N., R. 10 E., S. 10 W.
- 86. 1/4 SECTION 95, T. 14 N., R. 10 E., S. 10 W.
- 87. 1/4 SECTION 96, T. 14 N., R. 10 E., S. 10 W.
- 88. 1/4 SECTION 97, T. 14 N., R. 10 E., S. 10 W.
- 89. 1/4 SECTION 98, T. 14 N., R. 10 E., S. 10 W.
- 90. 1/4 SECTION 99, T. 14 N., R. 10 E., S. 10 W.
- 91. 1/4 SECTION 100, T. 14 N., R. 10 E., S. 10 W.

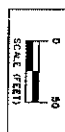
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NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY UTILITY PLAN	11-04-08	EED
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COLONIAL VILLAGE APARTMENTS & TOWNHOME VILLAS

PRELIMINARY UTILITY PLAN

COUNCIL BLUFFS, IOWA

DRAWN BY: EED
 CHECKED BY: MCG
 DATE: 11-04-08
 SCALE: 1" = 50'
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PROOF OF PUBLICATION

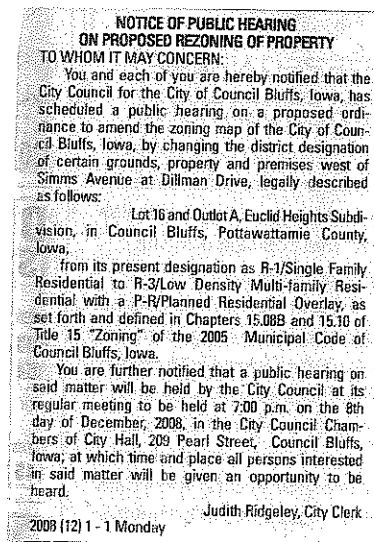
STATE OF IOWA
POTTAWATTAMIE COUNTY

I, Amy McKay, on my oath do solemnly swear that I am the Controller of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper for 1 consecutive time(s) as follows:

The first publication thereof
began on the 2nd day of December, 2008

Signed in my presence by the said Amy McKay and by her sworn to before me this 5th day of December, A.D. 2008.



Amy McKay

Amy McKay
Daily Nonpareil Controller

Tiffany N. Schmitt

Tiffany N. Schmitt
Notary Public

Filed this 5th day of December, A.D. 2008.
Publication Cost: \$ 15.63



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